BEFORE THE NATIONAL LABOR RELATIONS BOARD

In the Matter of:		
in the Mutter of.	 	
REMINGTON LODGING & HOSPITALITY, LLC, d/b/a THE SHERATON HOTEL,		
	Case Nos.	19-CA-32599
Charged Party,		19-CA-32733
		19-CA-32734
and		19-CA-32735
		19-CA-32736
UNITE-HERE! LOCAL 878, AFL-CIO,		19-CA-32737
		19-CA-32738
Charging Party.		19-CA-32739
		19-CA-32740
		19-CA-32745
		19-CA-32760
		19-CA-32764
		19-CA-32806
		19-CA-32812
		19-CA-32915
		19-CA-33009
		19-CA-33010
		19-CA-33011
		19-CA-33047
		19-CA-33194
		19-CA-70707
	_	19-CA-70719

RESPONDENT'S EXCEPTIONS TO THE RECOMMENDED DECISION OF THE ADMINISTRATIVE LAW JUDGE

Exception # 1

The clear preponderance of all relevant evidence does not support the ALJ's credibility findings in favor of Dexter Wray with respect to the allegation in paragraph 28(e) of the complaint that seniority was unilaterally discontinued in the engineering department, and with respect to the charges involving Dexter Wray addressed by Exceptions # 2 and 3.

Exception # 2

The preponderance of the evidence upon *de novo* review establishes that the discipline and discharge of Dexter Wray was for legitimate, nondiscriminatory business reasons, and upon application of the <u>Wright Line</u> analysis this Board should reject the ALJ's findings to the contrary and reject the ALJ's recommendation of 8(a)(3) and (4) violations.

Exception # 3

The preponderance of the evidence upon *de novo* review establishes that Elda Buezo voluntarily resigned, and this Board should reject the ALJ's recommendation of a violation of 8(a)(3).

Exception # 4

The preponderance of the evidence upon *de novo* review establishes Elda Buezo had no right under the collective bargaining agreement to her unique five-(5)-hour schedule, and this Board should therefore reject the ALJ's recommendation of an 8(3) violation requiring her to accept an eight-(8)-hour schedule, and further, the clear preponderance of all relevant evidence does not support the ALJ's credibility finding in favor of Buezo that she offered to work an eight-(8)-hour schedule.

Exception # 5

The preponderance of the evidence upon *de novo* review establishes that, with the exception of the banquet department and an isolated handful of instances involving two restaurant servers, the General Counsel failed to prove that seniority was unilaterally discontinued, and the ALJ's overly broad remedy to "make whole [all] bargaining unit

employees for all losses" related to the discontinuance of seniority should be limited to only those banquet employees and restaurant servers who were identified in the record as having lost hours or shifts because of the discontinuance of seniority.

Respectfully submitted, this 9th day of August, 2013.

s/ Karl M. Terrell

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Charging Party.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Exceptions and the Brief in Support of Exceptions was electronically filed with the Board's e-filing system with the Office of Executive Secretary and emailed to the following counsel:

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This 9th day of August, 2013.

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s/s Karl M. Terrell